

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 26, 1977  
10:00 A.M.

Council Chambers  
301 West Second Street

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The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Trevino

Absent: None

The Invocation was delivered by Reverend Sam Reed, Southwest Christian Church.

SQUARE AND ROUND DANCE WEEK

Square and Round Dance Week has been proclaimed for May 30, 1977, through June 5, 1977, in a proclamation read by Mayor McClellan which urges all citizens to recognize its observance. Accepting the proclamation were Mildred Monk and Janice Love. Speaking in acceptance was Frank Monk, past President of the Austin Square and Round Dance.

R.S.V.P. DAY

Ms. Nancy Mays accepted a proclamation with her thanks, read by Mayor McClellan, designating May 27, 1977, as R.S.V.P. Day. This day will recognize the contributions of senior volunteers to the benefit of our community and in recognizing the benefits of the Retired Senior Volunteer Program for senior citizens and the community at large. Ms. Mays accepted the proclamation on behalf of the senior volunteers.

## BURGLARY PREVENTION MONTH

The month of June, 1977, has been proclaimed Burglary Prevention Month in a proclamation read by Mayor McClellan. All citizens are urged to practice preventive measures to deter burglars and assist the Police Department in preventing and detecting burglary. Chief Frank Dyson, Austin Chief of Police, accepted the proclamation and expressed the hope that these measures will be continued beyond June.

## EXECUTIVE SESSION

Mayor McClellan announced the Council met in Executive Session earlier in the morning, has recessed the meeting and will reconvene at Noon. Discussion at the session concerned appointments to boards and commissions.

Capitol Area Planning Council

Councilmember Goodman moved that the Council appoint Mayor Pro Tem Snell and Councilmember Cooke to the Capitol Area Planning Council. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Trevino  
Noes: None

Board of Equalization

Councilmember Mullen moved that the Council appoint Joel Bennett, Ruben Ruiz, and Joe K. Wells, Sr., to the Board of Equalization for one-year terms to June 1, 1978. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,  
Himmelblau, Mullen, Trevino, Mayor McClellan  
Noes: None

Planning Commission

Councilmember Himmelblau moved that the Council appoint Bernard Snyder, Miguel Guerrero, Jim Vier, Mary Ethel Schechter and Sid Jagger to two-year terms until June 1, 1979, on the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Trevino,  
Mayor McClellan, Mayor Pro Tem Snell  
Noes: None

## ZONING HEARINGS

Mayor McClellan announced that the Council would hear the zoning cases scheduled for 10:00 A.M. for Public Hearing at this time. Pursuant to published notice thereof, the following zoning applications were publicly heard:

JOE GILBRETH &  
COMPANY, INC.  
By Phil Mockford  
C14-75-006

1600-1622 Stassney Lane  
also bounded by St.  
George's Green

From "A" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area  
RECOMMENDED (as amended) by the  
Planning Commission

Councilmember Trevino moved that the Council grant "O" Office 1st Height and Area, as recommended by the Planning Commission, as amended. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor  
McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

ROBERT A PETTY,  
ET UX  
By Pascual Piedfort  
C14-76-116

3201 Manchaca Road

From "A" Residence  
1st Height and Area  
To "BB" Residence  
1st Height and Area  
RECOMMENDED (as amended) by the  
Planning Commission

Councilmember Trevino moved that the Council grant "BB" Residence, 1st Height and Area District, as recommended by the Planning Commission, as amended. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor  
McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None

The Mayor announced that the change had been granted to "BB" Residence, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

TEXAS STARROIL  
COMPANY  
C14-77-011

10611 Research  
Boulevard, also  
bounded by Celeta  
Lane

From Interim "AA" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Trevino moved that the Council grant "GR" General Retail, 1st Height and Area, as recommended by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor  
McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

JOHN O. RANEY  
By Harold L. Coit  
C14-77-017

4208 South 1st Street

From "A" Residence  
1st Height and Area  
To "C" Commercial  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Trevino moved that the Council grant "C" Commercial, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor  
McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

ANNCO  
By Bryant-Curington,  
Inc.  
C14-77-020

1700-1800 Mearns Meadow  
Drive; 1700-1800 Pine  
Knoll Drive; 10400 block  
of Macmora Road; 10400-  
10500 Robinwood Circle

From "BB" Residence  
1st Height and Area  
To "A" Residence  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Trevino moved that the Council grant "A" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor  
McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

NASH PHILLIPS &  
CLYDE COPUS  
By Robert Davis  
C14-77-025

Northwest corner of I.H.  
35 and US 290, also  
bounded by Middle Fisk-  
ville Road, Clayton Lane  
and 6000-6008 Brooks  
Street

From "C" Commercial  
1st Height and Area  
To "C" Commercial  
3rd Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Trevino moved that the Council grant "C" Commercial, 3rd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor  
McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None

The Mayor announced that the change had been granted to "C" Commercial, 3rd Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

J. A. SUNDAY  
By David A. Hill  
C14-77-026

6601-6603 East River-  
side Drive

From "A" Residence  
1st Height and Area  
To "LR" Local Retail (Tract 1)  
"BB" Residence (Tract 2)  
1st Height and Area  
RECOMMENDED (as amended) by the  
Planning Commission

Councilmember Trevino moved that the Council grant "LR" Local Retail, 1st Height and Area District on Tract 1, and "BB" Residence, 1st Height and Area District on Tract 2, as recommended by the Planning Commission as amended. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor  
McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None

The Mayor announced that the change had been granted to "LR" Local Retail, 1st Height and Area District on Tract 1, and "BB" Residence, 1st Height and Area District on Tract 2, as amended, and the City Attorney was instructed to draw the necessary ordinance to cover.

RAYMOND J. POWELL,  
JR.  
C14-77-028

711 West Avenue

From "B" Residence  
2nd Height and Area  
To "O" Office  
2nd Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Trevino moved that the Council grant "O" Office, 2nd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
 Noes: None

The Mayor announced that the change had been granted to "O" Office, 2nd Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

PHILIP PRESSE  
 C14-77-031

1302 West Avenue, also  
 bounded by West 13th  
 Street

From "A" Residence  
 1st Height and Area  
 To "O" Office  
 1st Height and Area  
 RECOMMENDED (amended area) by  
 the Planning Commission

Councilmember Trevino moved that the Council grant "O" Office, 1st Height and Area District, as recommended, with amended area, by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
 Noes: None

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District (amended area), and the City Attorney was instructed to draw the necessary ordinance to cover.

JAMES A. MARTINDALE  
 By Phyllis Cartwright  
 C14-77-034

809 West Avenue, also  
 bounded by West 9th  
 Street

From "B" Residence  
 2nd Height and Area  
 To "O" Office  
 2nd Height and Area  
 RECOMMENDED by the Planning  
 Commission

Councilmember Trevino moved that the Council grant "O" Office, 2nd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
 Noes: None

The Mayor announced that the change had been granted to "O" Office, 2nd Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

DAVID W. STUART  
By John Robertson  
C14-77-035

710 Deen Avenue  
8801 North Lamar  
Boulevard

From "LR" Local Retail  
1st Height and Area  
To "GR" General Retail  
1st Height and Area  
RECOMMENDED By the Planning  
Commission

Councilmember Trevino moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor  
McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

CARL T. NORWOOD,  
ET AL  
By Wallace Smith  
C14-77-036

9910-10010 North Lamar  
Boulevard, also bounded  
by Ken Street

From Interim "AA" Residence  
1st Height and Area  
To "GR" General Retail  
(Tract 1) and  
"A" Residence (Tract 2)  
1st Height and Area  
RECOMMENDED (as amended) by the  
Planning Commission

Councilmember Trevino moved that the Council grant "GR" General Retail, 1st Height and Area on Tract 1, and "A" Residence, 1st Height and Area District on Tract 2, as recommended (as amended) by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor  
McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District on Tract 1, and "A" Residence, 1st Height and Area District on Tract 2, (as amended), and the City Attorney was instructed to draw the necessary ordinance to cover.

JOHN A. FLACHE, ET AL 1509-1903 Montopolis  
C14-77-037 Drive; 1508-1902 Vargas  
Road; Rear of 6300-  
6506 East Riverside  
Drive

From Interim "A" Residence  
1st Height and Area and  
"LR" Local Retail  
1st Height and Area  
To "GR" General Retail  
1st Height and Area (Tract 1)  
"A" Residence  
1st Height and Area (Tract 2)  
RECOMMENDED(as amended) by the  
Planning Commission

Councilmember Trevino moved that the Council grant "GR" General Retail, 1st Height and Area District on Tract 1, and "A" Residence, 1st Height and Area District on Tract 2, as recommended (as amended) by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor  
McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District on Tract 1, and "A" Residence, 1st Height and Area District on Tract 2, (as amended), and the City Attorney was instructed to draw the necessary ordinance to cover.

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JACK RITTER, JR. 4611 Martin L. King,  
By Dana Hollien Jr., Boulevard, also  
C14-77-040 bounded by Heflin Lane

From "LR" Local Retail  
1st Height and Area  
To "GR" General Retail  
1st Height and Area  
RECOMMENDED (amended area) by  
the Planning Commission

Councilmember Trevino moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended (amended area) by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor  
McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District (amended area), and the City Attorney was instructed to draw the necessary ordinance to cover.

Mayor Pro Tem Snell noted this was not recommended by the Planning staff. Mr. Lillie stated all three corners were "LR" Local Retail. He said the recommendation by the Planning Commission was for the building only.

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CLR DEVELOPMENT, INC.    Burton Court  
By C. L. Reeves  
C14-77-042

From "GR" General Retail  
1st Height and Area  
To "A" Residence  
1st Height and Area  
RECOMMENDED (as amended) by the  
Planning Commission

Councilmember Trevino moved that the Council grant "A" Residence, 1st Height and Area District, as recommended (as amended) by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor  
McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District (as amended), and the City Attorney was instructed to draw the necessary ordinance to cover.

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DR. CLETO ELEQUIN,        6701-6717 Berkman  
M. D.                      Drive  
By Donald E. Bird  
C14-77-043

From "LR" Local Retail  
1st Height and Area  
To "GR" General Retail  
1st Height and Area  
RECOMMENDED (as amended) by the  
Planning Commission

Councilmember Trevino moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended (as amended) by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor  
McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District (as amended), and the City Attorney was instructed to draw the necessary ordinance to cover.

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PIONEER TRUST &        1548-1606 Burton Drive  
SAVINGS BANK  
By Garrett Goldwater  
and Terry Belt  
C14-77-044

From "GR" General Retail  
2nd Height and Area  
To "C-2" Commercial  
2nd Height and Area  
RECOMMENDED (amended area) by  
the Planning Commission

Councilmember Trevino moved that the Council grant "C-2" Commercial, 2nd Height and Area District, as recommended (amended area) by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor  
McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None

The Mayor announced that the change had been granted to "C-2" Commercial, 2nd Height and Area District (amended area), and the City Attorney was instructed to draw the necessary ordinance to cover.

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ROYCE R. MYERS, ET UX 10701-10715 Research  
By Charles Lambert, Jr. Boulevard  
C14-77-030

From Interim "AA" Residence  
1st Height and Area  
To "C-2" Commercial (Tract 1)  
"C" Commercial (Tract 2)  
"GR" General Retail  
(Tract 3)  
1st Height and Area  
RECOMMENDED (as amended) by the  
Planning Commission

Councilmember Trevino moved that the Council grant the change to "C-2" Commercial, 1st Height and Area District on Tract 1; "C" Commercial, 1st Height and Area District on Tract 2; and "GR" General Retail, 1st Height and Area District on Tract 3, as recommended (as amended) by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Mullen, Trevino, Mayor  
McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None  
Abstain: Councilmember Himmelblau

Councilmember

Councilmember Himmelblau abstained because she and her husband are considering the purchase of the property.

The Mayor announced that the change had been granted to "C-2" Commercial, 1st Height and Area District on Tract 1; "C" Commercial, 1st Height and Area District on Tract 2; and "GR" General Retail, 1st Height and Area District on Tract 3, (as amended), and the City Attorney was instructed to draw the necessary ordinance to cover.

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EULA MAY & HENRY E. 7200 Manchaca Road  
LAIS 1915-1927 Matthews  
By Donald E. Bird Lane  
C14-77-021

From "A" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area  
RECOMMENDED by the Planning  
Commission as amended subject to five (5)  
feet of right-of-way on Matthews Lane

Councilmember Trevino moved that the Council grant "O" Office, 1st Height and Area District, as amended, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan,  
Mayor Pro Tem Snell, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, as amended, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

MELVIN F. HEES  
By W. W. Dornberger,  
Jr.  
C14-77-027

11654 Research Boulevard  
(US 183) also bounded by  
West Duval Road

From Interim "AA" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area  
RECOMMENDED as amended, by the  
Planning Commission, subject to  
dedication of street right-of-  
way on Duval Road of up to  
five (5) feet or to the exist-  
ing building, whichever is less,  
to contribute to the expansion  
of Duval Road from 50 to 60  
feet.

Mr. Lillie reviewed the location by use of slides.

Councilmember Trevino moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended (as amended) by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan,  
Mayor Pro Tem Snell, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District (as amended) subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

DOUGLAS DUWE, ET AL  
By Floyd Hill  
C14-72-181

Rear of south side of  
200-500 block of San  
Jose Street

From "A" Residence  
1st Height and Area  
To "B" Residence  
6th Height and Area (Tract 1)  
"BB" Residence  
1st Height and Area (Tract 2)  
NOT RECOMMENDED

RECOMMENDED by the Planning  
Commission "BB" Residence, 1st Height and Area on Tract 1,  
excluding the northernmost five feet, and "BB" Residence,  
1st Height and Area on Tract 2, excluding the northernmost  
and easternmost five feet, subject to a restrictive  
covenant providing for privacy fence along the north lines  
of both tracts and the east line of Tract 2, and a sub-  
division providing for the dedication and improvement of  
Guadalupe Street (as amended.)

Councilmember Himmelblau moved that the Council grant "BB" Residence, 1st Height and Area District on Tract 1, excluding the northernmost 5 feet; and "BB" Residence, 1st Height and Area District on Tract 2, excluding the northernmost and easternmost 5 feet, as recommended (as amended) by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Mullen, Trevino, Mayor McClellan, Mayor Pro  
Tem Snell, Councilmembers Cooke, Goodman, Himmelblau  
Noes: None

The Mayor announced that the change had been granted to "BB" Residence, 1st Height and Area District on Tract 1, excluding the northernmost 5 feet; and "BB" Residence, 1st Height and Area District on Tract 2, excluding the northernmost and easternmost 5 feet, subject to conditions (as amended), and the City Attorney was instructed to draw the necessary ordinance to cover.

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CAMPBELL MCGINNIS  
ET AL  
Cl4-77-033

801-907 Clermont Avenue  
800-906 Flores Street,  
also bounded by East  
Avenue and San Marcos  
Street

From "GR" General Retail  
2nd Height and Area  
To "GR" General Retail  
3rd Height and Area  
NOT RECOMMENDED (as amended)  
by Planning Commission

The applicant was present. Mr. Lillie reviewed the location by use of slides. Mayor McClellan commented that the staff recommendation was different from the Planning Commission's recommendation. The location, said Mr. Lillie, is adjacent to the Holiday Inn on the Lake. He said a 3rd Height and Area District would be compatible in the area. The Planning Commission, however, felt that the zoning should remain. Mr. Lillie commented that there are several options available to the applicant. One is to justify his application for 3rd Height and Area District to the Council; second, is because of adjacent "C" Commercial and 3rd Height and Area District, there is a possibility to submit a special permit because he is adjacent to more permissive zoning; third possibility is to amend an application to "L" Lake District, which includes all land along the Lake.

Councilmember Trevino asked if under the "L" Lake zoning, there is a maximum height. Mr. Lillie said a Special Permit would establish the height, but in general it is 4th Height and Area. Mr. Lillie said the plans he has seen only go to about 70 or 80 feet and wouldn't fully use 120 feet. He said if the Council wanted to limit the height of the zoning to the planned building, this would be another option. That could be in the form of a covenant. Mr. Lillie also wanted to point out that as one drives in from the south to the north, there will be no obstruction of the view of the Capitol. Campbell McGinnis, the applicant, showed sketches of the proposed motel-hotel and feels the requested change in zoning would be consistent with the other height in the area. He therefore requested the use be approved by the Council. Mr. McGinnis said they had been negotiating for about a year and a half, and were not really sure at this point what turn the plans would take. The concept contains 148 rooms and would exceed the parking requirements for the City of Austin. He said as they go into negotiations for the proposed motel-hotel, there are several limitations to deal with. They feel that the land area use is better dedicated to a higher

height area. After further discussion concerning the merit of the project, Councilmember Trevino said the material received by staff regarding the project indicates there is no neighborhood group in the area, but he enumerated three neighborhood groups that are in existence. Mr. Lillie answered that there is no formal group as they know them, and that notices were sent to the groups and agencies Councilmember Trevino identified. (First Street, East Austin Chicano Neighborhood Association)

Councilmember Himmelblau moved that the Council grant "GR" General Retail, 3rd Height and Area District (as amended). The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Cooke, Himmelblau, Mullen, Mayor McClellan  
Noes: Councilmembers Goodman, Trevino, Mayor Pro Tem Snell

The Mayor announced that the change had been granted to "GR" General Retail, 3rd Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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Historic Zonings

SHEEKS-ROBERTSON  
HOUSE  
Dr. James Fox,  
owner  
C14-h76-001

610 West Lynn

From "B" Residence  
2nd Height and Area  
To "B-H" Residence-Historic  
2nd Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Mullen moved that the Council grant "B-H" Residence-Historic, 2nd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Trevino  
Noes: None

The Mayor announced that the change had been granted to "B-H" Residence-Historic, 2nd Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

LAND OFFICE BUILDING  
State of Texas, owner  
C14-h76-018

108 East 11th Street

From Undesignated  
To "H" Historic  
RECOMMENDED by the Planning  
Commission

Councilmember Mullen moved that the Council grant "H" Historic District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Trevino  
Noes: None

The Mayor announced that the change had been granted to "H" Historic District, and the City Attorney was instructed to draw the necessary ordinance to cover.

CARRINGTON-COVERT  
HOUSE  
State of Texas, owner  
C14-h76-019

1511 Colorado Street

From "O" Office  
3rd Height and Area  
To "O-H" Office-Historic  
3rd Height and Area

RECOMMENDED by Planning Commission

Councilmember Mullen moved that the Council grant "O-H" Office-Historic District, 3rd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Trevino  
Noes: None

The Mayor announced that the change had been granted to "O-H" Office-Historic, 3rd Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

GETHSEMAN LUTHERAN  
CHURCH  
State of Texas, owner  
C14-h76-020

West 16th Street and  
Congress Avenue

From "B" Residence  
3rd Height and Area  
To "B-H" Residence-Historic  
3rd Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Mullen moved that the Council grant "B-H" Residence-Historic, 3rd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Trevino  
Noes: None

The Mayor announced that the change had been granted to "B-H" Residence-Historic, 3rd Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

MADISON LOG CABIN           Rosewood Park  
City of Austin, owner  
C14-h76-021

From "A" Residence  
1st Height and Area  
To "A-H" Residence-Historic  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Mullen moved that the Council grant "A-H" Residence-Historic, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Trevino  
Noes: None

The Mayor announced that the change had been granted to "A-H" Residence-Historic, 1st Height and Area District, as recommended by the Planning Commission, and the City Attorney ~~was~~ instructed to draw the necessary ordinance to cover.

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OLD BAKERY                   1006 Congress Avenue  
State of Texas, owner  
C14-h76-024

From "C" Commercial  
4th Height and Area  
To "C-H" Commercial-Historic  
4th Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Mullen moved that the Council grant "C-H" Commercial-Historic, 4th Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Trevino  
Noes: None

The Mayor announced that the change had been granted to "C-H" Commercial-Historic, 4th Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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THE TRASK HOUSE           105 Neches Street  
Allen E. Smith and  
Irwin E. Salmanson,  
owners  
C14-h74-026

From "C-2" Commercial  
4th Height and Area  
To "C-2-H" Commercial-Historic  
4th Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Mullen moved that the Council grant "C-2-H" Commercial-Historic, 4th Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Trevino  
Noes: None

The Mayor announced that the change had been granted to "C-2-H" Commercial-Historic, 4th Height and Area, and the City Attorney was instructed to draw the necessary ordinance to cover.

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SMITH-MARCUSE-  
LOWRY HOUSE  
George Boutwell,  
owner  
C14-h76-002

3913 Avenue C

From "B" Residence  
3rd Height and Area  
To "B-H" Residence-Historic  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Mullen moved that the Council grant "B-H" Residence-Historic, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Trevino  
Noes: None

The Mayor announced that the change had been granted to "B-H" Residence-Historic, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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OLD DEPOT HOTEL  
Cater Joseph, owner  
C14-h77-008

504 East 5th Street

From "C-2" Commercial  
4th Height and Area  
To "C-2-H" Commercial-Historic  
4th Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Mullen moved that the Council grant "C-2-H" Commercial-Historic, 4th Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Trevino  
Noes: None

The Mayor announced that the change had been granted to "C-2-H" Commercial-Historic, 4th Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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HORTON-DUVAL HOME  
Mr. and Mrs.  
William Karcher,  
owners  
C14-h77-009

North Bluff Drive and  
Old Lockhart Highway

From Interim "A" Residence  
1st Height and Area  
To "A-H" Residence-Historic  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Applicant was present. Mr. Lillie reviewed the location by use of slides. Mayor McClellan pointed out that a valid petition had been received opposing the Historic zoning; therefore, it would take six votes of the City Council in order to designate the zoning "H" Historic. The landowner is in opposition. Mr. Lillie explained that the structure is one of the older and more significant ones in the area, meeting seven of the criteria points that would enable it to be zoned "H". Mr. Philip Creer, Chairperson of the Landmark Commission, appeared before Council to say that this structure was one of the most architecturally significant examples of old Texas rock houses. It is situated on a large piece of land and he asked that the unoccupied area of the land should not be designated "H".

Councilmember Himmelblau moved that the Council grant "A-H" Residence-Historic, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,  
Himmelblau, Mullen, Trevino, Mayor McClellan  
Noes: None

The Mayor announced that the change had been granted to "A-H" Residence-Historic, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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Zoning Referred Back to Planning Commission

BULLARD COMPANY  
By W. H. Bullard  
C14-77-022

10602-10702 Middle  
Fiskville Road and  
604-606 & 605-607  
East Grady Drive

From Interim "AA" Residence  
1st Height and Area  
To "C-1" Commercial  
1st Height and Area  
NOT Recommended by the Planning  
Commission

Applicant not present. Mr. Lillie reviewed the location by use of slides. He said the requested zoning would enable the owner to put the land through all uses up to "C-1" Commercial, 1st Height and Area District, plus a liquor store, if the choice of the owner were to build one. The surrounding land is zoned for single family application. There was a petition filed, but it includes just one property owner, and less than 2% of the land within 200 feet and so the petition is not valid. It is a written petition. Councilmember Himmelblau asked if the applicant is willing to accept a lesser degree of zoning. It was determined the applicant was not present.

Motion

Councilmember Snell made a motion to uphold the recommendation of the Planning Commission. Councilmember Goodman seconded the motion.

Substitute Motion

Councilmember Himmelblau proposed a substitute motion to grant "O" Office, 1st Height and Area District, with a 6-foot privacy fence at the rear of the property line and a 10-foot strip of "A" Residence on the rear of the property. Councilmember Mullen seconded the motion.

Councilmember Himmelblau explained that since the property was on the highway, she felt it had to be something other than "A" Residence. "O" Office zoning, she said, would give the owner a chance for some type of development, and a buffering which should be acceptable to the neighborhood. Mayor Pro Tem Snell asked if she thought the owner would accept this. She replied she thought it was good land use. Mayor Pro Tem Snell suggested it be sent back to the Planning Commission.

Someone in the audience asked for an explanation of "O" Office zoning, which Mr. Lillie explained. Mayor McClellan said she had some hesitancy about this going back through the Planning Commission. Councilmember Trevino thought that this would be the best thing since the applicant apparently did not consider any other alternative. He said they needed to get reaction from the applicant and from the neighborhood, and also the Planning Commission.

Substitute Motion Withdrawn

Councilmember Himmelblau withdrew her substitute motion, and Councilmember Mullen withdrew his second to the substitute motion.

Substitute Motion

Councilmember Trevino moved that the Council send the zoning request back to the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor McClellan, Mayor Pro Tem Snell  
Noes: Councilmember Cooke

The Mayor announced that the zoning had been referred back to the Planning Commission.

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Zonings Postponed

WILLIAM J. JOSEPH  
By Arthur Pihlgren  
C14-77-038

2701 Martin L. King, Jr.  
Boulevard, also bounded  
by Walnut Avenue

From "LR" Local Retail  
1st Height and Area  
To "C" Commercial  
1st Height and Area  
NOT Recommended by the Planning  
Commission

Applicant was present. Mr. Lillie reviewed the location by use of slides. He said this application is located across the street from Holy Cross Hospital, at the intersection of a minor residential street and a major arterial. The subject tract has a gas station that has been converted into a vehicle repair facility requiring "GR" General Retail, use. His lot is currently zoned "LR," and the owner of the lot has been notified by the Building Inspection Department of the zoning violation. Surrounding land uses include a low density neighborhood on the east, south, and west and an "O" Office lot (undeveloped) abutting the street on the west. The Planning Commission and Council, have indicated an interest in preserving residential neighborhoods and for that reason, and the need to discourage strip zoning on the major streets, the Planning Commission has recommended that the application be denied.

Councilmember Himmelblau asked if this could be handled with "GR" General Retail on the building only. It could, answered Mr. Lillie, but when you are talking about a use like this, then everything would have to be done within the building, and in this case auto repair is done outside the building, too. The building would have to be expanded with everything under one roof. Mayor Pro Tem Snell asked if a less restrictive zoning, other than "C" Commercial, had been asked for. Mr. Lillie answered the Planning Commission had not recommended any other. They had discussed a condition on the right-of-way.

ARTHUR PIHLGREN, representing Mr. William J. Joseph, owner of the property, read a comment by the staff as follows: "Generally, M.L.K. Boulevard traverses a low-density neighborhood in this area. Planning Commission and City Council zoning policy has been to discourage transitioning to more intensive uses along this arterial street." Mr. Pihlgren pointed out that MLK is a very heavily traveled east-west thoroughfare. He cited several streets in the area that go through a low-density neighborhood, and wondered why the City Council should make MLK an exception. He said they would be willing to amend their application to "GR" General Retail, because the repair garage on the property could get by under this zoning, but he said staff had indicated if zoning was changed, they would want 30 feet of land off the front of the lot, which is 130 feet of frontage on MLK and only 99 feet deep. Mr. Pihlgren went on to say there was no way they could dedicate that much land and still run a business. Councilmember Snell asked if any effort had been made to contact the people in the neighborhood to see what could be worked out. Mr. Pihlgren replied that Lawrence Marshall, the lessee who operates the repair service, said he had talked to his adjoining neighbors and they had no objection. Councilmember Himmelblau asked if he would agree to close the curb cut on the side street, Walnut, and agree to a 6-foot privacy fence on all but MLK Boulevard.

Mr. Joseph, owner of the property said he had no objection, but he would hate to curtail the business. He said he would put a fence on the east and south of the property but could not promise the west without talking to the lessee. This street, he said, is a major artery, and the man does repair work

for everyone in the neighborhood including the hospital. He asked what the Planning Commission would recommend they do with the property if the man is not allowed to operate the station. Councilmember Himmelblau said there would still be access through the front part. She was looking for a way to protect the residential neighborhood. Mr. Joseph answered he would grant the request, and hoped the lessee would go along with it. Mayor Pro Tem Snell recommended this zoning be delayed so the neighborhood and applicant could get together and see if this is acceptable to the neighborhood. He said a fence, not kept up, can make an area look worse.

MS. MAGGIE DENTON, a resident of the neighborhood, appeared to speak for nine homeowners in the area. She said they did not want the zoning, and that Mr. Marshall had not asked any one of them about it and he does not repair their cars. The neighbors feel, she said, that the commercializing the area would make it dangerous for the children, and raise the property owners taxes. Once you start commercial zoning, she said, it could go on and on until they would lose their homes and have no place to go. She said the group she spoke for did not object to the present business, but asked that the zoning be left as it is.

Councilmember Himmelblau asked, if the Council granted "GR" General Retail zoning with a fence, could there be a stipulation that the property would roll back to "LR" Local Retail zoning if the lessee were no longer there. Mr. Lillie replied this would require a new petition. Mr. Harris, City Attorney, commented a change in zoning has to have a public hearing. Mayor Pro Tem Snell asked if he understood correctly, that the change in zoning requested now, was just to be able to keep the present business there. Mr. Lillie said it was. Mayor Pro Tem Snell continued that the neighborhood seems to accept the business so the thing they are trying to do is allow the person to remain doing the thing he is doing.

#### Motion

Councilmember Cooke made a motion that the zoning be changed from "LR" Local Retail, 1st Height and Area District, to "GR" General Retail, 1st Height and Area District, with a privacy fence on the east and south side. Councilmember Goodman seconded the motion.

#### Substitute Motion

Mayor Pro Tem Snell made a substitute motion that the Council postpone the proposed zoning until July 7, 1977, at 10:00 a.m., and that in the meantime the applicant will talk to the people in the neighborhood. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan,  
Mayor Pro Tem Snell, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the zoning had been POSTPONED.

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May 26, 1977

THOMAS W. MALONE  
C14-77-041

823-835 Patton Avenue  
901-905 Highway 71 East

From "A" Residence  
1st Height and Area  
To "B" Residence  
2nd Height and Area  
NOT Recommended

The applicant was present. Mr. Lillie reviewed the location by the use of slides. Mr. Lillie said this is near the Bergstrom interchange. The application is for residential zoning; according to a study recently received, this area is in a high noise and crash hazard area. The Planning Commission recommends that it be zoned "DL" Light Industrial.

MR. THOMAS MALONE, the owner, appeared to say he had been led to believe that "B" Residence zoning would be permitted, and then had received a letter stating the recommendation for "DL" Light Industrial. He said he would accept that. Mr. Lillie said that a request for "DL" Light Industrial zoning would require a new application, which would mean they would have to go back through the Planning Commission with public hearings and notice in order for the Council to consider "DL" Light Industrial. The applicant would not have any delay in proceeding with this, commented City Manager Davidson, and he would be assisted in every way. Mr. Malone inquired about the fee. He said he did not want to keep paying money. Mr. Davidson replied that Mr. Malone had made the decision what to request; the City had not. Mayor McClellan asked Mr. Lillie, if the Council acts on this, and then Mr. Malone puts in a separate request, she wondered if there would be an 18-month delay. Mr. Lillie suggested that one thing the Council could do, was simply not act on this application and allow the proceeding with a substitute application. This would alleviate the 18-month problem. Mr. Harris, City Attorney, said this case could be left pending and brought back for dismissal action at the same time the new zoning is requested.

Councilmember Goodman moved that the Council postpone the zoning case indefinitely. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,  
Himmelblau, Mullen, Trevino, Mayor McClellan  
Noes: None

The Mayor announced that the zoning case had been POSTPONED indefinitely.

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KINGSTIP COMMUNICA-  
TION, INC.  
By Donald E. Bird  
C14-77-005

1904 Pearl Street

From "A" Residence  
2nd Height and Area  
To "O" Office  
2nd Height and Area  
NOT Recommended (as amended) by  
the Planning Commission

Motion

Councilmember Mullen made a motion to postpone this case until June 30, 1977, 10:00 a.m. Councilmember Goodman seconded this motion.

Councilmember Trevino asked if this was the third time this case had been postponed. Mr. Lillie answered affirmatively. In this case, he said, they have had a change in the Legal staff working on the case and this is the primary reason for request to postpone.

Roll call on Motion

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Snell,  
Councilmembers Cooke, Goodman, Mullen  
Noes: None  
Abstain: Councilmember Himmelblau

Later on, Mr. Lillie interrupted the regular proceedings to say that Mr. Curtis, representing the Kingstip Communication, Inc., is going to be out of the country on June 30, 1977, and requests that it be moved up or back one week. Councilmember Trevino asked if it could be done June 23, 1977. Mr. Curtis said yes.

Motion

Councilmember Mullen made a motion that the date be changed to June 23, 1977. The motion died for lack of a second, after discussion.

Councilmember Goodman asked if this would be enough time. Mayor Pro Tem Snell said he thought they should give the time they need so they can settle the case one way or the other. Councilmember Mullen asked about July 7, 1977.

Motion

Councilmember Cooke made a motion that the date be changed to July 28, 1977. The motion died for lack of a second.

Motion

Councilmember Mullen moved that the Council postpone the case until July 7, 1977, at 10:00 a.m. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Snell,  
Councilmembers Cooke, Goodman, Mullen, Himmelblau, . . .  
Noes: None  
Abstain: Councilmember Himmelblau

The Mayor announced that the case had been postponed until July 7, 1977 at 10:00 a.m.

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RESIDENCE OF B. J. SMITH  
 Forest Pearson &  
 John Harrison  
 owners  
 C14-h76-023

700 West 6th Street

From "C-2" Commercial  
 4th Height and Area  
 To "C-2-H" Commercial-Historic  
 4th Height and Area  
 NOT Recommended by the Planning  
 Commission

Mr. Lillie reviewed the application with slides. He indicated the Landmark Commission was in favor of zoning requested and the Planning Commission voted 3-3.

MR. FOREST PEARSON, one of the property owners, said he shared the Planning Commission's position in asking for the denial, as he feels the case has not been heard equitably. He told the Council that he and Mr. Harrison had bought the property for a specific purpose, as an office for their business. He thinks that, for economic reasons, the zoning should be denied. The building has only 960 square feet per floor. Economically, it is not feasible to keep it as a Historic building. It perhaps can be re-worked and included in an office, but there are other examples of this type of architecture that have been approved as Historic, and he asked the Council to deny the zoning.

MS. SUSAN BARRY appeared to speak in favor of the zoning. She listed the features of the house which she felt would merit "H" Historic zoning, and said its value to the City is very great.

PHILIP CREER, Historic Landmark Commission, said he recommended the postponement of the vote until there could be further discussion with interested parties.

#### Motion

Councilmember Himmelblau moved that the Council postpone the decision on this zoning until June 2, 1977. The motion was seconded by Councilmember Trevino.

Mr. Pearson said he does not want to postpone the decision. He said he has no intention of selling the property. It has a tenant now who has been renovating the house, and has heard the tenant wants to finish the renovation, but he has only 15 months left on his lease. Mr. Creer replied that someone may want to purchase the property. Mr. Pearson indicated again that he does not want to sell the property and that furthermore, he is distressed with the experiences he has had thus far with the Landmark Commission.

#### Roll Call on Motion

Ayes: Mayor McClellan, Councilmembers Goodman, Himmelblau,  
 Trevino, Mayor Pro Tem Snell  
 Noes: Councilmembers Cooke, Mullen

The Mayor announced that the zoning was POSTPONED until June 2, 1977.

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Zonings Withdrawn

ROY L. WYATT,  
JR., ET UX  
C14-77-039

1401-1407 East Riverside  
Drive (at I.H. 35)

From "A" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area  
NOT Recommended by the Planning  
Commission

Mr. Lillie reviewed the location by use of slides. MRS. R. L. WYATT, JR., requested a three-month postponement of the case because her husband was out of the country. ROY LEE SNOW, 1506 Lupine Lane, spoke against postponement of the case.

Mr. Lillie noted that the Planning Department had recommended that "O" Office zoning be granted subject to the dedication of 20 feet of right-of-way. The applicant did not agree with the staff recommendation.

Motion

Councilmember Himmelblau moved that the Council uphold the recommendation of the Planning Commission to deny the zoning change. The motion was seconded by Councilmember Goodman.

Mrs. Wyatt presented her testimony to the Council. She was willing to accept the "O" Office zoning, but not the dedication of the right-of-way. After further discussion, Mrs. Wyatt requested that the zoning change request be WITHDRAWN. Councilmember Himmelblau then withdrew her motion.

Mr. Snow read a letter from the South River City Citizens Neighborhood Association expressing opposition to the granting of "GR" General Retail zoning, but agreeing to "O" Office, 1st Height and Area District, zoning subject to preserving a 3 to 5-foot strip of "A" Residence along the entire southern edge of the tract and restriction of access from Manlove Street. Mr. Snow then read portions of a letter written by himself to the Council expressing his desire for a strip of "A" Residence buffer if the "O" Office zoning were granted. He also requested that a delay be denied.

Motion

Councilmember Goodman moved that the Council grant permission for withdrawal of the zoning change request. The motion was seconded by Mayor Pro Tem Snell.

Substitute Motion

Councilmember Mullen offered a substitute motion that the case be postponed for 60 days. The motion, seconded by Councilmember Himmelblau, failed to carry by the following vote:

Ayes: Councilmembers Himmelblau, Mullen  
Noes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke,  
Goodman, Trevino

Roll Call on Original Motion

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Snell,  
Councilmembers Cooke, Goodman, Himmelblau, Mullen  
Noes: None

The Mayor announced that the zoning case had been WITHDRAWN.

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META AVERA	2908 Rio Grande Street	From "BB" Residence
By L. T. Gaddy	2913 Salado Street	1st Height and Area
C14-77-045		To "O" Office
		1st Height and Area
		NOT Recommended by the Planning Commission

The Council had received a letter from the owner asking that the zoning change request be withdrawn.

Councilmember Himmelblau moved that the Council grant the request to withdraw the subject zoning change. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Trevino  
Noes: None

The Mayor announced that the zoning case had been WITHDRAWN.

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KUEHNE-MOORE HOUSE,	904 West 23rd Street	From "B" Residence
William Carlisle,		1st Height and Area
owner		To "B-H" Residence-Historic
C14-h77-001		1st Height and Area
		NOT Recommended by the Planning Commission

Mayor McClellan stated that there had been a letter from the applicant requesting withdrawal of the zoning change request.

Motion

Mayor Pro Tem Snell moved that the Council grant the request to withdraw the zoning change. The motion was seconded by Councilmember Goodman.

PHILIP CREER, Chairman of the Historic Landmark Commission, stated that the Commission had considered designating the subject structure as Historic, but had decided that there was not sufficient justification to do so.

ALVIN GOLDEN, representing the owner of the property, opposed withdrawal of the application. He asked that the case be considered and that "H" Historic zoning be denied. He pointed out that the owner was not requesting the zoning.

BETTY PHILLIPS stated that she was speaking for Mike McHone, who had requested the "H" Historic zoning. She requested that the application be withdrawn.

Substitute Motion

Councilmember Himmelblau made a substitute motion that the recommendations of the Historic Landmark Commission and the Planning Commission be upheld and that the request be DENIED. Councilmember Cooke seconded the motion.

In response to Mayor McClellan's question, Mr. Golden stated that he thought those persons who were most interested in preserving Austin's heritage voted against the request for Historic zoning. Mr. Lillie reviewed the location through the use of slides and pointed out that the Historic Landmark Commission felt that the subject property met 5 of the 10 criteria for Historic designation.

BETTY PHILLIPS, a homeowner in the neighborhood, reviewed Dr. Moore's background and why she felt that the house should be zoned Historic. She stated that an offer was imminent from Dr. Wall to purchase the house and preserve it as a mathematics center. STEVE DEUTSCHMAN, who owned a house within 300 feet of the Moore House, spoke in favor of the requested Historic zoning. MRS. DAISY BARRETT TANNER, representing her sister, who resided next door to the Moore property, felt that the house should be zoned Historic due to Dr. Moore's international reputation. PAT HOLMAN, who leased property bordering the Moore property, spoke for the change to Historic zoning. MRS. WALTER RICHTER, whose son studied under Dr. Moore, wondered if the O. Henry house would have been zoned Historic based only on its architecture. She supported the Historic zoning designation for the Moore property. MRS. BERRY, President of Preservation Now, favored the Historic zoning of the property.

Mr. Golden stated that no offers to purchase the property had been received. There was an existing demolition permit, but there were no present plans to destroy the property. He requested that the Council deny the "H" Historic designation and approve the recommendations from City staff, the Historic Landmark Commission and the Planning Commission.

Roll Call on Substitute Motion - Failed

Roll Call on Councilmember Himmelblau's substitute motion to deny the zoning change, seconded by Councilmember Cooke, failed to carry by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Cooke  
 Noes: Councilmembers Goodman, Trevino, Mayor McClellan, Mayor Pro Tem Snell

Roll Call on Original Motion

Roll call on the original motion made by Mayor Pro Tem Snell, seconded by Councilmember Goodman, showed it carried by the following vote:

Ayes: Councilmembers Cooke, Himmelblau, Mullen, Mayor McClellan  
 Noes: Councilmembers Goodman, Trevino, Mayor Pro Tem Snell

The Mayor announced that the zoning case had been WITHDRAWN.

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Zonings Denied

BULLARD COMPANY  
By W. H. Bullard  
C14-77-023

10605 and 10609-10703  
Brownie Drive and 600-  
602 and 601-603 East  
Grady Drive

From Interim "AA" Residence  
1st Height and Area  
To "BB" Residence  
1st Height and Area  
NOT Recommended by the Planning  
Commission

Applicant was not present. Mr. Lillie reviewed the location with slides. He said a petition had been filed on this application in which property owners to the west of the tract obtained 22 signatures, but included only 13% of the land within 200 feet, so the petition is not valid. It requires 20% of the owners of the land. The land was recently annexed into the City and is a developing subdivision.

PAT HOLMAN said that after looking at the slides, it appeared that the applicant owned most of the land; therefore, that could be the reason for only 13% of the people on the petition. He asked if this was not taken into account. Mr. Lillie answered the Ordinance states that a petition to be valid must include 20% of the owner's of land within 200 feet of the subject tract, even if the owner of the land is the petitioner. MARY PHILLIPS said that the Planning Commission had said they might consider "O" Office zoning. She said they had enough traffic on Grady Street and she does not want it zoned "O" Office.

Councilmember Himmelblau moved that the Council DENY the zoning request. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Trevino  
Noes: None

The Mayor announced that the zoning had been DENIED.

DAVID W. HARRELL,  
ET AL  
C14-77-029

1012 East 38th Street  
also bounded by Harmon  
Avenue

From "A" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area  
NOT Recommended by Planning  
Commission

Mr. Lillie reviewed the location with slides. He stated that they had received a valid petition asking denial of the requested zoning and that the Council would have to cast 6 votes in favor of the requested zoning in order for it to pass.

Councilmember Himmelblau moved that the Council DENY the zoning request. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,  
Himmelblau, Mullen, Trevino, Mayor McClellan  
Noes: None

The Mayor announced that the zoning had been DENIED.

PENDING ZONING CASES

The Council took action on the following pending zoning cases:

MARVIN M. HENRY	7534-7540 Cameron	From Interim "A" Residence
By M. J. Schroeder		1st Height and Area
C14-73-017		To "GR" General Retail
		1st Height and Area
		RECOMMENDED by the Planning
		Commission for EXTENSION

Councilmember Trevino moved that the Council grant Extension of the above zoning case. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor Pro  
Tem Snell, Councilmember Cooke  
Noes: None  
Abstain: Councilmember Goodman  
Not in Council Chamber when roll was called: Mayor McClellan

The Mayor announced the zoning case had been EXTENDED.

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TEXAS AFL-CIO	300-310 West 11th Street	From "C" Commercial
By Howard E. Brunson	1100-1110 Lavaca Street	3rd Height and Area
C14-73-018		To "C" Commercial
		4th Height and Area
		RECOMMENDED by the Planning
		Commission for DISMISSAL

Councilmember Mullen moved that the Council DISMISS the above zoning request. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Trevino, Mayor McClellan, Mayor Pro  
Tem Snell, Councilmembers Cooke, Goodman, Himmelblau  
Noes: None

The Mayor announced that the zoning case had been DISMISSED.

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THOMAS P. FRANCIS,  
ET UX  
By Phil Mockford  
C14-73-048

509-517 Alpine Road  
3601-3613 South First  
Street

From "B" Residence  
1st Height and Area  
To "LR" Local Retail  
1st Height and Area  
RECOMMENDED Extension by the  
Planning Commission, subject to  
amending field notes to show  
exact location of "LR" and  
Planning Commission review and  
approval of site plan prior to  
issuance of building permit.

Councilmember Trevino moved that the Council EXTEND the above zoning case, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem  
Snell, Councilmembers Cooke, Goodman, Himmelblau, Mullen  
Noes: None

The Mayor announced that the zoning case had been EXTENDED

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EDWARD CLARK, ET AL      923 Clayton Lane  
By Tom Curtis  
C14-73-062

From "A" Residence  
1st Height and Area  
To "GR" General Retail  
2nd Height and Area  
RECOMMENDED Extension by the  
Planning Commission, deleting  
subdivision requirement.

Councilmember Mullen moved that the Council EXTEND the above zoning case, as recommended by the Planning Commission, deleting the subdivision requirement. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Trevino  
Noes: None

The Mayor announced that the zoning case had been EXTENDED.

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JOE JUNG, ET AL  
C14-73-119

812-1024 West Ben White  
Boulevgrd  
809-1017 Banister Lane

From "A" Residence  
1st Height and Area and  
"GR" General Retail  
5th Height and Area  
To "C" Commercial  
2nd Height and Area  
RECOMMENDED Extension by the  
Planning Commission, deleting subdivision  
and restrictive covenant requirements.

Councilmember Himmelblau moved that the above zoning case be EXTENDED, as recommended by the Planning Commission, deleting subdivision and restrictive covenant requirements. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,  
Himmelblau, Mullen, Trevino, Mayor McClellan  
Noes: None

The Mayor announced that the zoning case had been EXTENDED.

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PUBLIC HEARING FOR AMENDMENT OF THE AUSTIN DEVELOPMENT PLAN

Mayor McClellan opened the public hearing on the Planned Unit Development scheduled for 10:00 a.m:

ENVIRONMENTAL  
COMMUNITIES CORP.  
C877-003

4323 Far West Boulevard

Twenty-Seven (27) detached single-family dwelling units called, "MEADOW MOUNTAIN," a proposed Planned Unit Development (as amended) RECOMMENDED by the Planning Commission, subject to ordinance requirements.

Mr. Dick Lillie, Director of the City Planning Department, stated that the Planned Unit Development was located just outside of the City limits. He indicated that the item was mistakenly listed under "Zonings" on the Council agenda and had to be considered as an amendment to the Austin Development Plan. He pointed out that this would also be an amendment to the Master Plan. He stated that the PUD consisted of about 10.5 acres of land with twenty-seven detached single-family dwelling units on it and a density of 2.5 units per acre. He pointed out that the PUD was located at the extreme west end of Far West Boulevard. The project included 72% open space and 28% covered, such as parking and driveways. The Planning Commission recommended approval with several conditions:

1. That the PUD meet the ordinance requirements and departmental recommendations.
2. That there be an agreement with the applicant that the street which extends from the project into undeveloped land be terminated in a cul-de-sac if Phase II of the project is not approved.
3. That Phase II of the project will not begin until there has been ample opportunity to analyze the results of the first phase.

MR. T. HERNDON WOLFE, architect, spoke before the Council. He stated that a cul-de-sac would be included into the design for the Planned Unit Development (PUD). Mr. Wolfe introduced some of the persons involved with the project. They were as follows: Mr. Gene LeFleur, architect; Ms. Sharon L. Bailey, project coordinator/architect; Prof. Frank Mash, consultant and watershed management. PROF. MASH stated that their watershed management plan will consist of several parts which are as follows:

1. Run-off of surface area and pollutants. The effects of impervious cover and the slopes of surface run-off.
2. To look closely at the pollution loads in relation to the run-off areas. This would involve several considerations:
  - a. The sources of the pollution such as organic fertilizers, erosion, mineral dissolution and petroleum-related run-off.
  - b. They want to quantify the amounts of pollution by determining organic concentrations of the pollution.
  - c. Strategies to help mitigate the effects of slopes and impervious covers.
  - d. Ways of reducing the amount of pollutants due to primary run-off.
  - e. Erosion control during and after construction.
3. To provide a sampling program both of water quantity and water quality. There needs to be a process by which the impact of the program can be measured. The development of a backlog for the benefit of future developments.

Prof. Mash hoped that they would continue to receive input and involvement from the City Engineering Department, the Environmental Resource Management Department, the Environmental Board and the Council. He said that they would like to maintain contact with the neighborhood groups and any other interested parties. He hoped also that they might receive some State and Federal participation such as from the U. S. Geological Survey, because there are many cases of watersheds that are becoming urbanized.

Mr. Wolfe stated that there would be a water quality monitoring station on the site and that they would conduct a continuing environmental management program. He indicated that they would also be concerned with the question of beautification. He pointed out that the project has innovation and diversity in it. He asked that the Council approve the project as a Planned Unit Development in the traditional sense. He stated that there will be a nature-powered house featured on lot no. 1, which will draw energy from solar and wind sources and methane gas. He pointed out that there will be a centralized hot water heating system. Mr. Wolfe mentioned that there would be barrier-free units for the handicapped. He also stated that they would help restore some deep cuts that are already on the land.

Mayor Pro Tem Snell asked Mr. Wolfe about the development of a school in the area. Mr. Wolfe stated that the development of a PUD does not require them to state what will go on around the area. Mayor McClellan indicated that she did not think that a school would be approved in the area. Mr. Wolfe indicated that a private school had been suggested for the area. He said that there would be no area in which a public school could be developed given the constraints for a public school. Councilmember Goodman asked Mr. Wolfe what he meant by a barrier-free first level. Mr. Wolfe stated that they intended to work with a variety of builders to acquire barrier-free levels. Mr. Wolfe stated that sidewalks were also planned for the PUD. Councilmember Himmelblau stated that it was nice to see a PUD that a neighborhood association accepts.

Councilmember Himmelblau moved that the Council approve the Planned Unit Development with the conditions laid down by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Goodman, Himmelblau, Mullen, Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None

#### APPROVAL OF MINUTES

Mayor Pro Tem Snell moved that the Council approve the Minutes for the Special Called Meeting of May 15, 1977, and for the meeting of May 19, 1977. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Goodman  
Noes: None

#### ANNOUNCEMENT

Mayor McClellan announced she had used a very sophisticated device for choosing someone to accompany her in the LoVaca discussion. It was called drawing a tag out of a box. As a result, Councilmember Goodman will accompany her at the discussions.

#### RECESS

The Council meeting was recessed at 1:00 p.m., and will resume at 2:00 p.m. Council will return to their Executive Session during the noon hour.

#### APPOINTMENTS TO COMMISSIONS

Mayor McClellan announced there were several matters to attend to. She said there was a vacancy on the Social Policy Advisory Committee and one Councilmember is needed to serve with Councilmember Trevino and Mayor Pro Tem Snell. Councilmember Himmelblau has been on the committee but has requested to be replaced as she is on a number of committees.

Social Policy Advisory

Councilmember Goodman moved that the Council nominate Councilmember Ron Mullen to serve on the Social Policy Advisory Committee. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Mullen, Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Himmelblau, Cooke, Goodman  
Noes: None

Mayor McClellan also said there had been further discussions concerning appointments to the boards and commissions.

Electric Utility Commission

Councilmember Trevino moved that the Council appoint Sam Graham, Dr. Herbert Woodson, Mr. C. W. Hetherly, and Mrs. Shudde Fath to serve on the Electric Utility Commission. They will draw for one and two-year terms with the other five members previously appointed. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Goodman, Himmelblau, Mullen  
Noes: None

Mayor McClellan informed the Council and audience that on the next agenda, June 2, 1977, the Council will make appointments to the Brackenridge Hospital Board. There are four appointments to be made. She said there would also be further appointments of Councilmembers to various committees.

PUBLIC HEARING ON PROPOSED CHANGES IN LICENSING REQUIREMENTS  
AND FEES FOR PRIVATE SOLID WASTE COLLECTION SERVICES

Mayor McClellan opened the public hearing scheduled for 11:00 a.m. City Manager Dan Davidson asked that Assistant City Manager Joe Liro come forward to make a brief presentation of the proposal. Mr. Liro indicated that there had been two changes made in the ordinance regulating the operation of private refuse collection services. The first requirement would be that the equipment used in refuse collection be covered with the same liability and property damage insurance which is now required for the vehicles used by the services. The second change would call for an annual fee based on the number of containers used by a particular service within the City limits. The fee would not be intended to generate income as much as it would offset the cost of inspection and regulation. Mr. Liro stated that they proposed no additional regulatory requirements and that they did not anticipate any additional regulations to be imposed by the City in the future. He pointed out that the minimal regulation being proposed together with the self-policing practice by the industry, should protect the public interest and guarantee the continuation of high quality service. Mr. Liro indicated that there were other alternatives used by other cities that imposed much more extensive regulatory requirements. He pointed out that Mr. Beckham of the Public Works Department and Mr. Butler of the Budget Department were also present to answer any questions pertaining to the proposal.

Mayor McClellan asked Mr. Liro what the difference between the current fee and the proposed fee would be. He indicated that the current fee was \$20 per year/truck and that the proposed addition to the fee would be 50 cents per container. He stated that the performance bond requirements would not change and neither would the level of insurance coverage that is required.

MR. DICK OBENHAUS representing the Community Disposal Company spoke before the Council. He said that the increased insurance requirements would not be a problem for his company. He expressed concern that the increased fee of 50 cents would generate \$20 to \$25,000 that four companies would have to bear. He said that because of his company's large number of containers, they would be paying a disproportionate amount of money to regulate other smaller companies. Mr. Obenhaus felt that there was nothing wrong with the current regulatory requirements because the competitive nature of their business demanded that they provide quality service. He stated that they would not force a person to increase their number of garbage pick-ups and that if a container looked unsightly, it was not necessarily the company's fault. Mr. Obenhaus stated that his company had recently experienced a 300% increase in land-fills and that they have already passed this cost on to the customers. He indicated that they did not desire to pass any more additional costs on to the customer. He felt that the companies should not be assessed another \$25,000 for regulatory purposes because the companies were capable of regulating themselves.

MR. JIM NOLEN, representing the Longhorn Disposal Service, spoke before the Council. He indicated that any new fees would have to be passed on to the customer by the company. He said that because his company contracted on an annual basis, it would be at least 6 months before the fee increase could be passed on to the customers. This would cause the company to lose money. He pointed out that his company did not want to see franchising come about because they were self-regulatory. He felt that the 50 cent fee increase was steep compared to the increased cost in land-fill and other cost increases that have occurred in the past year.

Councilmember Mullen asked Mr. Liro if there were any services within the City that did not utilize containers. Mr. Liro indicated that there were not any commercial services that did not use containers and that the thrust of the ordinance was aimed at those commercial services. City Manager Dan Davidson stated that the ordinance was a comprehensive effort to keep the City out of the disposal business, to charge a more equitable fee to commercial services, to police companies that are unlicensed and to provide income to the City for the privilege of using City streets and alleys. He indicated that the ordinance took so long to write because they had tried to meet most of the objections that had been posed. He felt that the ordinance was reasonable and equitable. Mr. Davidson then recommended that the ordinance be approved by the Council. Councilmember Mullen asked Mr. Liro if the first proposals had been higher than the one being presented. Mr. Liro stated that the first proposals were to franchise and the current proposal was fair and equitable.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 28-19 OF THE AUSTIN CITY CODE OF 1967; REGULATING REFUSE COLLECTION SERVICES; PROVIDING A PENALTY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen,  
Mayor McClellan

Noes: Councilmember Trevino, Mayor Pro Tem Snell

The Mayor announced that the ordinance had been finally passed.

Councilmember Goodman moved that the Council close the public hearing. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino,  
Mayor McClellan, Mayor Pro Tem Snell, Councilmember Cooke

Noes: None

#### SUB-METERING ORDINANCE

MR. MARK Z. LEVBARG, attorney for apartment owners, Jay Van Templeton and Bob Pope, appeared to give a report on a sub-metering ordinance which his clients urge passage of. He said that under such an ordinance, the landlord would pay the bill and the tenants would pay their part of the usage. They want the meters by June 1, 1977, and believe it will promulgate faster conservation of electrical power.

Mayor McClellan thanked Mr. Levbarg for his report and said that the Council would not be voting on it today.

#### PARADE PERMIT

Councilmember Trevino moved that the Council approve a Parade Permit for Pete Reyes for Metz Recreation Center Advisory Board from 10:00 a.m. until 12:00 noon, Saturday, June 18, 1977, beginning at the corner of Chalmers and East 1st, proceed east to Anthony Street, south on Anthony to Fiesta Gardens on Bergman. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Trevino, Mayor McClellan, Mayor  
Pro Tem Snell, Councilmembers Cooke, Goodman, Himmelblau

Noes: None

#### PUBLIC UTILITIES EASEMENTS

Mayor Pro Tem Snell moved that the Council adopt a resolution authorizing release of a portion of a Public Utilities Easement in Lots 6 and 7, Block 3, Bryker-Woods Addition "B," also known locally as 1512 West 31st Street. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Snell,  
Councilmembers Cooke, Goodman, Himmelblau, Mullen

Noes: None

Mayor Pro Tem Snell moved that the Council adopt a resolution authorizing release of Public Utility Easements out of Lot 17, South Meadows, a subdivision in the City of Austin, Travis County, Texas. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Goodman, Himmelblau, Mullen

Noes: None

Mayor Pro Tem Snell moved that the Council adopt a resolution authorizing release of two five (5.00) foot Public Utility Easements out of Lots 49 and 50, North Oaks, a subdivision in Travis County, Texas recorded in Book 7 at Page 108 of the plat Records of Travis County, Texas. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Goodman, Himmelblau, Mullen

Noes: None

#### ELECTRICAL EASEMENT

Mayor Pro Tem Snell moved that the Council adopt a resolution authorizing release of an Electrical Easement out of and a part of Outlot 27, Division C of the Government Outlots adjoining the original City of Austin, Northeast corner of I. H. 35 and Manor Road. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Goodman, Himmelblau, Mullen

Noes: None

#### DRAINAGE EASEMENT

Mayor Pro Tem Snell moved that the Council adopt a resolution authorizing release of a Drainage Easement in Lot 1, BO's Subdivision, a subdivision in the City of Austin, Travis County, Texas. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Goodman, Himmelblau, Mullen

Noes: None

## CONTRACTS AWARDED

Councilmember Trevino moved that the Council adopt a resolution to award the following contract:

AUSTIN ROAD COMPANY 428 East Anderson Lane Austin, Texas	- CAPITAL IMPROVEMENTS PROGRAM, B. R. Reynolds Drive and West 1st Street, Intersection Improvements - \$77,545.05.
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The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Trevino  
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to award the following contract:

U. S. STEEL SUPPLY Cyclone Fence Sales Pat Booker San Antonio, Texas	- Furnish and install chain link fencing, Water and Wastewater Department. Items 1, 2 and 3 - \$13,550.00
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The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Trevino  
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to award the following contract:

WORTHINGTON PUMP CORPORATION 401 Worthington Avenue Harrison, New Jersey	- Repair of Boiler Feed Pump Element, Units Nos. 1 and 2, Holly Street Power Plant. Item No. 1 - \$30,348.10
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The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Trevino  
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to award the following contract:

LICHTI-TARKAN INTERNATIONAL, INC.  
11834 South Bloomfield Avenue  
Santa Fe Springs, California

- Maintenance of Loading Bridges, Robert Mueller Municipal Airport, Department of Aviation.  
Twelve (12) Months Service Agreement including option for extension for up to twelve (12) months - \$15,840.00/year.

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Trevino  
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to award the following contract:

J. T. WAGGONER CONSTRUCTION  
1825 Oak Hill Lane  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM, Anderson Lane, Burnet Road to Shoal Creek Boulevard., Streetlighting. Construction of Electric Streetlight Ductline and Concrete Foundations on Anderson Lane from Burnet Road to Shoal Creek Boulevard - \$43,891.00.

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Trevino  
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to award the following contract:

POOL & ROGERS PAVING COMPANY  
10731 Manchaca Road  
Austin, Texas

- Paving Equipment including operators, Street & Bridge Division.  
Item No. 1 - \$58,500.00

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Trevino  
Noes: None

#### EMS SERVICES

Councilmember Trevino moved that the Council adopt a resolution to authorize amendments to the contract with Travis County for EMS Services. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,  
Himmelblau, Mullen, Trevino, Mayor McClellan  
Noes: None

G.I. Ord No. 770526 -A

CIP Amended for Airport Terminal  
Parking Lot -

Captain goes here

## MEDICAL DIRECTION FOR THE EMS DEPARTMENT

Councilmember Goodman moved that the Council adopt a resolution to authorize agreement with Central Texas Medical Foundation for Medical Direction for the EMS Department, effective May 26, 1977, through September 30, 1977. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Trevino,  
Mayor McClellan, Mayor Pro Tem Snell  
Noes: None

## AMENDING CIP FOR AIRPORT TERMINAL PARKING LOT

Mayor McClellan introduced the following ordinance:

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor  
McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None

The Mayor announced that the ordinance had been finally passed.

## PAVING ORDINANCES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF HENDERSON STREET AND SUNDRY OTHER STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DEFINED, PERFORMED BY HENSEL PHELPS CONSTRUCTION COMPANY; AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan,  
Mayor Pro Tem Snell, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF BURLESON ROAD IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DEFINED, PERFORMED BY LARSON-PUGH, INC.; AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan,  
Mayor Pro Tem Snell, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF MATTHEWS LANE IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DEFINED, PERFORMED BY CAPITAL CITY UTILITIES; AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan,  
Mayor Pro Tem Snell, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the ordinance had been finally passed.

## SALE OF ALCOHOLIC BEVERAGES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 14-4 OF CHAPTER 14 OF THE CODE OF THE CITY OF AUSTIN OF 1967; ALLOWING FOR THE WAIVER BY THE CITY COUNCIL OF THE THREE HUNDRED FOOT LIMITATION FOR SALE OF ALCOHOLIC BEVERAGES; WAIVING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Mullen, Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Goodman, Himmelblau  
Noes: None

The Mayor announced that the ordinance had been finally passed.

## FEDERAL ANNUAL ARRANGEMENT PROGRAM

Councilmember Mullen moved that the Council receive the report on the Federal Annual Arrangement Program. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Goodman, Himmelblau, Mullen  
Noes: None

## BOAT RACE LOCATION

MR. CONRAD FATH, Navigation Board, presented a report on a possible new location for the boat races which have been held on Town Lake. Mr. Fath said a site has been found on the northeast corner of Lake Long, if the Boat Club and Aquafest will pay for the improvements that will be needed to make it feasible for races. He said the site is accessible to the highway and is a long strip of the lake. Improvements to the property would include a fence, a road to the site, and a wave barrier that would knock out 95% of the wave motion and stop currents which would be hazardous to the racers. Mr. Fath pointed out that the depth of the water is sufficient, and that the banks of the lake at that point have a gentle slope which would be appropriate for an audience. The Parks Department does have plans to build the suggested road, but does not have the funds at this time. Mr. Fath pointed out that many clubs have requested use of Austin's facilities for boat races and if this site is developed, he is certain it will be used by lots of people.

Councilmember Mullen asked for an estimate of the costs of the improvements. Mr. Fath suggested a rough figure of \$25,000 which would put everything needed out there, including the road. City Manager Davidson told the Council he would have his staff prepare a detailed report on the feasibility of using

Lake Long for boat races. He said the report, with a detailed estimate of the cost, would be presented to the Council during the fall. Councilmember Trevino asked if the report could list items needed in priorities. Mr. Davidson said Lake Long already has some monies identified for improvements. Mayor Pro Tem Snell suggested that there be a public hearing regarding the suggested site to see if there would be objections to holding the boat races there. Mr. Fath interjected that the Navigation Board has all of the technical data that Mr. Davidson might need for his report.

BILL NALLE, member of the Navigation Board, appeared before Council with a report on the location of boat races. He said he represented the minority of four members of the Board who felt that boat races should not be moved from Town Lake. He said the location on Lake Long was a slough and not suitable for racing. His minority group feels that three boat races a year are feasible on Town Lake and wants the Council to reconsider the ordinance passed to ban boat racing from Town Lake after this summer's races. He said that if the races have to be moved, Austin should complete a new facility before the races are actually moved. Councilmember Trevino reminded Mr. Nalle that the Ordinance made it very clear that the races were going to be removed from Town Lake.

#### ADJOURNMENT

Councilmember Trevino moved that the Council adjourn. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Trevino  
Noes: None

APPROVED

*Charles F. McClellan*  
Mayor

ATTEST:

*Grace Monroe*  
\_\_\_\_\_  
City Clerk